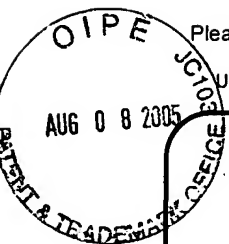


08-10-05

AF JFW



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b>	10/081,132		
	<b>Filing Date</b>	February 21, 2002	
	<b>First Named Inventor</b>	Michael Bloomberg etal.	
	<b>Group Art Unit</b>	2682	
	<b>Examiner Name</b>	Raymond B. Persino	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	3524/52

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Response/Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration for Utility or Design Patent Application <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <p><b>Return postcard ; check in the amount of \$2090.00 and Express Mailing Label No. EV 448083107 US</b></p>
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left;">Remarks</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm or Individual name</b>	Frank J. DeRosa, Reg. No. 26,543
<b>Signature</b>	
<b>Date</b>	August 8, 2005

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:			
<b>Typed or printed name</b>			
<b>Signature</b>		<b>Date</b>	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Michael BLOOMBERG et al.

Serial No.: 10/081,132

Art Unit: 2682

Filed: February 21, 2002

Examiner: Raymond B. Persino

For: **COMPUTER TERMINALS  
BIOMETRICALLY ENABLED  
FOR NETWORK FUNCTIONS  
AND VOICE COMMUNICATION**

Appeal No.: Not yet assigned

# APPEAL BRIEF

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an appeal from the decision of Examiner Raymond B. Persino, Group Art Unit 2682, in the final Office Action dated August 3, 2004, rejecting claims 1-12. A Notice of Appeal was filed on February 7, 2005.

08/11/2005 MWOLDGE1 00000042 10081132

02 FC:1402

500.00 OP

Express Mail No. 448083107

BRMFS1 574192

## TABLE OF CONTENTS

	Page
I. REAL PARTY IN INTEREST .....	3
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF THE CLAIMS .....	3
IV. STATUS OF AMENDMENTS .....	3
V. SUMMARY OF CLAIMED SUBJECT MATTER .....	3
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .....	5
VII. ARGUMENT .....	6
A. Olshansky discloses enablement of a single function only – advertising-subsidized telephony over a network.....	6
B. Olshansky only discloses authentication of the calling party .....	10
C. Dependent claims 4-8 and 10-12 .....	11
VIII. CONCLUSION.....	12

**I. REAL PARTY IN INTEREST**

The real party in interest is Bloomberg L.P., a limited partnership organized and existing under the laws of Delaware, having a place of business at 731 Lexington Avenue, New York, New York 10022. Bloomberg L.P. is the assignee of the entire right, title, and interest in the above-identified application.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**III. STATUS OF THE CLAIMS**

Claims 1-12, all of which were rejected in the final Office Action dated August 3, 2004, are pending in this application. This is an appeal, pursuant to the Notice of Appeal filed February 7, 2005, of the rejection in the final Office Action of all of claims 1-12.

**IV. STATUS OF AMENDMENTS**

Amendments to claims 1, 3 and 9, presented in Applicants' Response to Final Office Action filed February 7, 2005, were entered in the Advisory Action dated April 25, 2005. There are no pending or un-entered amendments.

All pending claims with all entered amendments to the claims are reproduced in Appendix A.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

***Claim 1***

Claim 1 claims a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network. As claimed in claim 1, the system comprises a telephone handset, a finger image sensor, means for electronically authenticating a finger image sensed by the finger image sensor

and means responsive to the authenticating means for enabling the computer terminal to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

The telephone handset includes a microphone and a speaker coupled to provide signals to and receive signals from the computer terminal for voice communication. (*See, e.g.*, page 11, line 3 to page 13, line 2.) The finger-image sensor is coupled at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor. (*See, e.g.*, page 14, line 3 to page 15, line 4.)

A finger-image sensed by a finger-image sensor is authenticated by the means for authenticating based on the finger-image-related signals provided to that computer terminal. (*See, e.g.*, page 3, lines 12-16 and page 14, line 3 to page 15, line 19.) Responsive to the authenticating means, the means for enabling enables the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated. (*See, e.g.*, page 2, lines 6-11, page 13, line 3 to page 14, line 2, and page 15, line 20 to page 18, line 22.)

The authentication means and the enabling means may comprise programming, *e.g.*, resident on or provided to the handset or computer terminal, or may be resident on a host computer or server, or operate on a distributed basis. (*See, e.g.*, page 3, lines 12-16, page 18, lines 19-22 and page 19, lines 2-4.) Figs. 7 and 8 show embodiments of apparatus on which such programming can be run.

### ***Claim 2***

Claim 2 provides that the enabling means enables voice communication not only to each terminal for which a sensed finger-image was authenticated but also from each terminal for which a sensed finger-image was authenticated. (*See, e.g.*, page 3, lines 5-8 and page 15, line 20 to page 16, line 3.)

### ***Claim 3***

Claim 3 claims a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication between computer terminals in the network. As claimed in claim 3, the system comprises a plurality of computer terminals in the network to which the microphone, speaker and finger image sensor are coupled. (*See, e.g.*, Fig. 8 and page 12, line 19-page 14, line 2.) The system of claim 3 also includes a microphone and a speaker coupled to each of the plurality of computer terminals to provide signals to and receive signals from a respective computer terminal for voice communication (*see, e.g.*, page 11, line 3 to page 13, line 2).

The last three paragraphs of claim 3 are similar to the last three paragraphs of claim 1. Please refer to the discussion above regarding the last three paragraphs of claim 3.

### ***Claims 4-12***

Claims 4-12 stand or fall with claims 1 and 3.

## **VI. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL**

The final Office Action rejected claims 1-12, as follows: claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 6,493,437 (“Olshansky”) in view of US Published Pat. App. 2003/0081752 (“Trandal et al.”) and US Published Pat. App. 2002/0174345 (“Patel”); claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Olshansky in view of Trandal et al., US Published Pat. App. 2002/0122415 (“Chang et al.”) and Patel; and claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Olshansky in view of Trandal et al., Chang et al. and Patel and further in view of the Examiner’s official notice.

**A. Issues on Appeal**

The following issues are presented for consideration in this appeal:

1. with respect to claims 1 and 3, whether Olshansky (and the prior art of record) discloses or suggests enablement of voice communications (e.g., a subsidized telephone service as disclosed in Olshansky) and, in addition, at least one other network-related function in response to authentication of a user; and
2. with respect to claim 2, whether Olshansky (and the prior art of record) discloses or suggests enablement of voice communication based on authentication of the originator and the recipient of a telephone call.

**VII. ARGUMENT**

**A. Olshansky discloses enablement of a single function only – advertising-subsidized telephony over a network**

***Claims 1 and 3***

The system of claims 1 and 3 include means responsive to the authenticating means that enable (a) the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and (b) voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

Olshansky is directed to a system that enables a single function in response to authentication of a person seeking access to the single function. That single function is advertising-subsidized telephony over a network, e.g., Voice over Internet Protocol (VoIP) service via a PC terminal. After authentication of a subscriber, the subscriber is given access to a VoIP service provider's VoIP telephone service in which part of the cost of the service is subsidized by advertising. There is no other network-related function involved in Olshansky. Although Olshansky discloses generation of a bill, generation of a duration alarm, and pushing advertisements to subscribers or called parties, all of that is part and parcel of the advertising-subsidized telephone service, and not at least one other network related function.

Olshanksy discloses that the VoIP service provider 120 includes an authorization unit 121, an authentication unit 122, an accounting unit 123, and a bill generation unit 124. (*See, e.g.,* Fig. 1 and col. line 3 to col. 3, line 32.) The sole purpose of all of these units is to provide advertising-subsidized telephony service. For example, billing is part and parcel of the *advertising-subsidized* telephone service, and not at least one other network related function. Similarly, providing advertising to a calling or called party is simply part and parcel of an *advertising-subsidized* telephone service.

With respect to billing in Olshansky, a bill is generated by the VoIP service provider and provided to the subscriber via a display on the calling party's terminal 130 (or the called party's terminal 140 for a collect call), or by email, fax or mail. Providing a calling or called party with billing information is not enablement of a computer terminal in a network to access or otherwise participate in the performance of at least one network-related function other than the advertising-subsidized telephone service.

Generation of a duration alarm is described at col. 5, lines 24-35 as a billing function. The alarm is also part and parcel of the advertising-subsidized telephone service and is not at least one other network related function. Like typical telephone billing, a duration alarm is dependent upon the length of a telephone call.

With respect to advertising, Olshansky discloses that an advertising section 350 provides the subscriber with an advertisement from one or more companies that are subsidizing the telephone call. The advertisements may be displayed, *e.g.,* pushed, to a subscriber at one time or sequentially before, during, or after the telephone call, and the advertisements are continuously updated at predetermined intervals. (*See, e.g.,* col. 5, lines 36-55.)

All of the following in Olshansky is part of the advertising-subsidized telephone service. Referring to Fig. 3 of Olshansky, a subscriber uses a graphical user interface in order to make and receive telephone calls. The graphical user interface, in the form of a web page, includes a URL entry slot 305, a graphical telephone interface 310, and an advertising section 350. A subscriber, wanting to make a telephone call, establishes a connection with a VoIP service provider (*e.g.,* VoIP service provider 120) by entering the URL for the service provider at a calling party terminal 130. Then the VoIP service provider 120 initiates an authorization



operation with the subscriber. If the authorization operation is successful, the service provider permits the subscriber to use its telephone service and displays the graphical user interface depicted in Fig. 3. Using the keypad 324 of the graphical user interface, the subscriber dials the telephone number of a called party and the VoIP service provider 120 establishes the call. The VoIP service provider's accounting unit 123 tracks the duration of the call and pushes an advertisement to the subscriber's terminal 130 and to the called party's terminal if the called party accepts advertisements. Also in Olshansky, billing information may be provided by the VoIP service provider to a subscriber through a pop-up window opened by clicking the billing information button 326. Such information includes origination time, current time, present duration of call, and the present cost of a call, and a monthly bill or a bill showing incurred charges, or free minutes used, for any period selected by the subscriber. The billing information button 326 can incorporate other features such as a duration alarm. (*See, e.g.*, col. 4, line 32 to col. 5, line 55.)

In summary, Olshansky describes that a subscriber is provided with access to a single function – advertising-subsidized telephone service, including billing information, time alarms, and advertisements.

In claims 1 and 3, the system enables use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network. The application identifies information delivery and trading of financial interests as examples of network-related functions. (*See, e.g.*, page 13, lines 3-16 and page 14, lines 9-15.) The application also discusses services which are part of the voice communication service such as voice mail and conference calls, and functions such as pick-up and termination of calls and signaling when a party is called. (*See, e.g.*, page 16, line 19 to page 18, line 18.) Such services and functions are part of voice communication, just as billing and advertising are part of the advertising-subsidized call described in Olshansky, and such services and functions are not considered in the application as the “at least one *other* network-related function” (emphasis supplied) referred to at page 2, line 9 of the application, or the “at least one network-related function” recited in claims 1 and 3.

Hence, Olshansky describes a system that, after an authorization operation, provides only VoIP telephone calls subsidized by advertising, and not “at least one network-related function” as claimed in claims 1 and 3.

Trandal et al. relates to providing callers with callback or camp-on notification in response to the determination that a called busy line has transitioned to an idle state. (*See, e.g.*, page 1, paragraph 0006.) Thus, Trandal et al. does not provide the disclosure missing from Olshansky of a system that enables use of a computer terminal in a network to access or otherwise participate in both at least one network-related function and voice communication over the network in response to a means for electronically authenticating a finger-image sensed by a finger-image sensor, as claimed in claims 1 and 3.

Patel relates to authentication of a user allows that user to gain access to a system, which in some embodiments is via a telephone and in others via a computer. (*See, e.g.*, page 2, paragraph 0011 to page 3, paragraph 0027.) Thus, Patel also does not provide the disclosure missing from Olshansky of a system that enables use of a computer terminal in a network to access or otherwise participate in both at least one network-related function and voice communication over the network in response to a means for electronically authenticating a finger-image sensed by a finger-image sensor, as claimed in claims 1 and 3.

None of the prior art of record individually discloses, and none suggests, providing means responsive to the authenticating means that enable both (a) voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated and (b) the computer terminal in the network to access or otherwise participate in the performance of at least one other network-related function .

In view of the above, it is requested that the rejection of claims 1 and 3 be reversed.

***Claim 9***

It is requested that the rejection of claim 9 be reversed for the reasons advanced above with respect to claims 1 and 3, and for the additional reasons discussed below relevant to Chang et al.

As discussed above, Olshansky, Trandal et al. and Patel do not disclose means that enable one computer terminal in a network that has been authenticated to participate in voice communication over the network with another terminal that also has been authenticated.

Chang, the remaining reference used in the rejection of claim 9, relates to an Internet phone that transmits data through a USB interface and includes a voice message sending procedure and a voice message receiving procedure. The voice message sending procedure receives outgoing message signals via a digital phone such that the outgoing message signals are converted into an outgoing message VoIP package that is stored on a local area network and further transmitted to a target through the Internet. The voice message receiving procedure transmits an incoming message VoIP package from the target back to the local area network through the Internet such that the incoming message VOIP package is converted into incoming message signals. Through the connected USB interface, the incoming message signals are transmitted to the digital phone. The incoming message signals are output through the digital phone. (*See, e.g.*, page 2, paragraphs 0006-0009.) Thus, Chang does not disclose means that enable one computer terminal in a network that has been authenticated to participate in voice communication over the network with another terminal that also has been authenticated.

**B. Olshansky only discloses authentication of the calling party**

***Claim 2***

Claim 2, dependent upon claim 1, claims that the enabling means of claim only enables voice communications to and from each terminal for which a sensed finger-image was authenticated. Thus, both terminals involved in voice communication are enabled only after authentication of a sensed finger-image at each terminal.

This is completely lacking in the prior art of record and the Examiner as not identified any disclosure specifically disclosing this.

As discussed above, Olshansky relates to a system that enables telephone service in response to authentication of a person seeking access to the telephone service and to a graphical user interface that a subscriber uses in order to make and receive telephone calls. (See Fig. 3.) A subscriber makes a telephone call by establishing a connection with a VoIP service provider via

entering the URL for the service provider at a calling party terminal 130. Then the VoIP service provider 120 initiates an authorization operation with the subscriber. If the authorization operation is successful, the service provider permits the subscriber to use its telephone service and displays the graphical user interface depicted in Fig. 3. Using the keypad 324 of the graphical user interface, the subscriber dials the telephone number of a called party and the VoIP service provider 120 establishes the call. (See Col. 4, line 32 to Col. 5, line 55.) The called party terminal 140 is not authenticated in any manner.

Trandal et al. relates to providing callers with callback or camp-on notification in response to the determination that a called busy line has transitioned to an idle state. (*See, e.g.*, page 1, paragraph 0006.) Thus, Trandal et al. does not provide the disclosure missing from Olshansky of a system enabling “voice communication to and from only each terminal for which a sensed finger-image was authenticated”, as claimed in claim 2.

Also, Patel relates to authentication of a user allows that user to gain access to a system, which in some embodiments is via a telephone and in others via a computer. (*See, e.g.*, page 2, paragraph 0011 to page 3, paragraph 0027.) Thus, Patel does not provide the disclosure missing from Olshansky of a system enabling “voice communication to and from only each terminal for which a sensed finger-image was authenticated”, as claimed in claim 2.

None of the prior art of record individually discloses, and none suggests, providing enabling means that enables voice communication not only to each terminal for which a sensed finger-image was authenticated but also from each terminal for which a sensed finger-image was authenticated.

In view of the above, reversal of the rejection of claim 2 is requested.

**C. Dependent claims 4-8 and 10-12**

Claims 4-8 and 10-12 depend, directly or ultimately, from independent claims 1 and/or 3 or 9, and incorporate all of the limitations of the respective independent claim. Therefore, it is submitted that the dependent claims 4-8 and 10-12 are allowable at least for the reasons advanced for allowance of the respective independent claim. For at least the reasons discussed above, reversal of the rejection of claims 4-8 and 10-12 is hereby respectfully requested.

### **VIII. CONCLUSION**

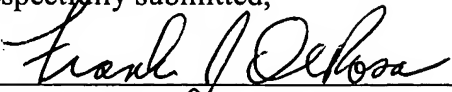
In view of the foregoing, the Board should, and is requested to, reverse the rejections of claims 1-12.

Date: August 8, 2005

***Customer No. 29858***

Brown Raysman Millstein Felder & Steiner LLP  
900 Third Avenue  
New York, NY 10022  
Tel. (212) 895-2000  
Fax (212) 895-2900

Respectfully submitted,

  
\_\_\_\_\_  
Frank J. DeRosa  
Reg. No. 26,543  
Attorney for Applicants

## APPENDIX A

### Listing of Claims

1. A system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network, comprising:

a telephone handset including a microphone and a speaker coupled to provide signals to and receive signals from the computer terminal for voice communication;

a finger-image sensor coupled at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor;

means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal;

means responsive to the authenticating means for enabling the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

2. The system of claim 1 wherein the enabling means enables voice communication to and from only each terminal for which a sensed finger-image was authenticated.

3. A system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication between computer terminals in the network, comprising:

a plurality of computer terminals in the network;

a microphone and a speaker coupled to each of the plurality of computer terminals to provide signals to and receive signals from the computer terminal for voice communication;

a finger-image sensor at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor;

means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal;

means responsive to the authenticating means for enabling the computer terminal for which a sensed finger-image was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network.

4. The system of claim 1 or 3 wherein at least one of the computer terminals includes the means for authenticating.

5. The system of claim 1 or 3 comprising a computer in the network, other than the computer terminals, that include the means for authenticating.

6. The system of claim 1 or 3 wherein at least one of the computer terminals includes the means responsive to the authenticating means.

7. The system of claim 1 or 3 comprising a computer in the network, other than the computer terminals, that includes the means responsive to the authenticating means.

8. The system of claim 1 comprising a handset incorporating the microphone and the speaker, wherein the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal.

9. Apparatus for voice communication over a network through a computer terminal and for biometric identification, comprising:

a telephone handset including:

a microphone;

a speaker;

a finger-image sensor;

circuitry coupled to the microphone and speaker which at least converts between analog and digital signals; and

an interface coupling the finger-image sensor and the circuitry with the computer terminal; and

means associated with at least one of the computer terminal and the network for electronically authenticating a finger-image sensed by the finger-image sensor based on the finger-image-related signals provided to that computer terminal; and

means associated with at least one of the computer terminal and the network responsive to the authenticating means for enabling the computer terminal in the network to participate in voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

10. The apparatus of claim 9, wherein the interface comprises:
  - a first universal serial bus (USB) interface coupled to the integrated circuitry;
  - a second USB interface coupled to the finger-image sensor;
  - the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces.
11. The apparatus of claim 10, comprising a cable coupled to the USB hub and connectable to a USB port of a computer terminal.
12. The telephone handset of claim 10, wherein the circuitry comprises a codec.